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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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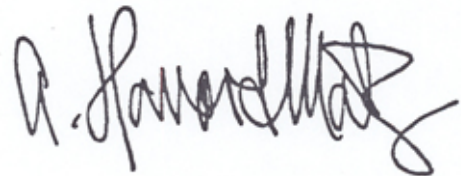
11 MICHAEL MAURICE McMAHILL, ) NO. CV 08-7188-AHM(E)  
12 Plaintiff, )  
13 v. ) ORDER ADOPTING FINDINGS,  
14 CMO DR. T. BZOSKIE, et al., ) CONCLUSIONS AND RECOMMENDATIONS  
15 Defendants. ) OF UNITED STATES MAGISTRATE JUDGE  
16 \_\_\_\_\_ )  
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18 Pursuant to 28 U.S.C. section 636, the Court has reviewed the  
19 Second Amended Complaint, all of the records herein and the attached  
20 Report and Recommendation of United States Magistrate Judge. The  
21 Court approves and adopts the Magistrate Judge's Report and  
22 Recommendation.  
23

24 IT IS ORDERED that: (1) the Report and Recommendation of the  
25 Magistrate Judge is approved and adopted; (2) the Second Complaint is  
26 dismissed without leave to amend, and with prejudice, as against  
27 Defendants Olukanmi, Swaby and Bzoskie; (3) the claim for injunctive  
28 relief in the Second Amended Complaint is dismissed without leave to

1 amend, but without prejudice; (4) the Second Amended Complaint  
2 otherwise is dismissed with leave to amend; and (5) Plaintiff's motion  
3 for transfer is denied. If Plaintiff still wishes to pursue this  
4 action, he is granted thirty (30) days from the date of this Order  
5 within which to file a Third Amended Complaint. Any Third Amended  
6 Complaint shall be complete in itself. Any Third Amended Complaint  
7 shall not seek injunctive relief. Any Third Amended Complaint shall  
8 not name as Defendants Olukanmi, Swaby or Bzoskie. Plaintiff should  
9 not attempt to add additional defendants without leave of Court. See  
10 Fed. R. Civ. P. 21. Failure timely to file a Third Amended Complaint  
11 may result in dismissal of the action.

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13 DATED: June 30, 2009.

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17 A. HOWARD MATZ  
18 UNITED STATES DISTRICT JUDGE  
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